स्टेट सब्जेक्ट है, सेन्टर का सब्जेक्ट नहीं है। उन्होंने यह फैसला किया कि हम ऑक्ट्राय नहीं हटाना चाहते। जब यह फैसला चीफ मिनिस्टर्स ने किया है और ऑक्ट्राय एक स्टेट सब्जेक्ट है तो सेन्टर किस हालत में उनसे जबर्दस्ती कर सकता है। जैसा उन्होंने कहा हम एक अच्छा रास्ता निकालना चाहते हैं ऑक्ट्राय का तो हम यह सोचते है कि जब कांग्रेस रुल्ड स्टेट्स के चीफ मिनिस्टर्स बैठे होंगे तो उन्होंने इस तरफ भी जरूर विचार किया होगा।

श्रीमती सुषमा स्वराज: सेन्टर के नाते स्टेट पर जबर्दस्ती मत करिये लेकिन कांग्रेस के नाते कांग्रेस के मुख्य मंत्रियों को निर्देश तो कर ही सकते हैं?

श्री जगदीश टाइटलर: हम किसी स्टेट पर जबर्दस्ती नहीं करते। हमने यह डिसिजन उन्हीं के ऊपर छोड़ दिया है।

डा. मुरली मनोहर जोशी: आप अपनी पार्टी को डायरेक्ट तो कर सकते हैं कि वह वहां पर चुंगी हटाने के लिए सरकार पर दबाव डालें?

श्री एस.एस. सुरजेवाला: सभापति महोदय, मैं मंत्री महोदय का ध्यान इस ओर दिलाना चाहूंगा कि हरियाणा में और कई दूसरे प्रांतों में भी चुंगी को खत्म करने के बजाय चुंगी कि कलेक्शन को प्राइवेटाइज कर दिया है कलेक्शन करने के तौर पर पहले से दो-दो तीन-तीन गुणा कीमतों पर कलेक्शन करने का ठेका ठेकेदारों ने ले लिया है और शहर के चारों तरफ 100-100 आदमी लाठी लेकर बैठा रखे हैं और जबर्दस्ती से लोगों को परेशान कर रहे हैं और हा-हाकार मचाया हुआ है। क्या मंत्री महोदय यह हिदायत देंगे म्युनिसिपल कमेटियों को कि कम से कम चुंगी का प्राइवेटाइजेशन न करें और अपने कर्मचारियों के द्वारा, अगर चुंगी एबालिश नहीं कर सकते तो नार्मल तरीके से अपने स्टाफ द्वारा ही चुंगी का कलेक्शन करायें?

SHRI JAGDISH TYTLER: Sir, this is a State subject; I cannot comment on this.

SHRI SATISH AGARWAL: Mr. Chairman, Sir, octroi being an irritant to the free flow of trade and business, may I know from the hon. Minister what is the view of the Central Government? Did you accept the report submitted by Shri Jyoti Basu or are you pursuing the matter further, because the Chief Ministers gave this report since the Central Government refused to compensate and reimburse the State for the loss of octroi?

MR. CHAIRMAN: Have you finished the question? ...(*Interruptions*)...Finish the question.

SHRI SATISH AGARWAL: Provided he replies in full!

SHRI JAGDISH TYTLER: I would reply in full, Sir. We in the Central Government had recommended to the State Governments which were charging octroi—here I would also like to answer Prof. Vijay Kumar Malhotra because at that time I didn't have the time to answer—and in Maharashtra, Orissa, Rajasthan, Gujarat, Manipur, West Bengal, Punjab and Haryana where octroi was being charged, we had asked them to abolish octroi. One of the first things which the Chief Ministers said in the meeting was that they were prepared to do it if we from the Centre prepared to compensate them. That is the biggest problem. We said, sorry, the Centre would not be able to compensate for the losses they may have. At that time if we did compensate the Delhi Administration, it was because there was no Government in Delhi and it was coming directly under the Home Ministry. But we left it to the Chief Ministers to find an alternative way where traders and other people are harassed less and the octroi posts are abolished. But, some how or other, they, in their wisdom, took a decision and said they would not be able to do that. They said they would try to set things right, because they were in a mess, so that there would be less problems for the people paying octroi.

SHRI SATISH AGARWAL: What is the total quantum involved in reimbursement if octroi is abolished?

SHRI JAGDISH TYTLER: I think it is a big amount. I don't have the exact figure. I will let the hon. Member know it.

*205. [*The questioner (Shri S. Madhavan) was absent. For answer, vide col. 30 infra*]

Alleged supply of Drugs to Inmates of Tihar Jail

*206. SHRI KRISHNA KUMAR BIRLA: Will the Minister of HOME AFFAIRS be pleased to state:

(a) whether Government are aware that fruits being supplied to the inmates of Tihar Jail in the capital contain drugs mainly heroin as reported in the "Times of India" dated the 18th July, 1995;

(b) if so, the facts and details thereof;

(c) whether Government propose to probe the matter through CBI as to how inmates in Tihar Jail are getting drugs;

(d) if so, by when and if not, the reasons therefor; and

(e) what other measures Government propose to take to check it?

THE MINISTER OF STATE IN THE MINISTRY OF HOME AFFAIRS (SHRI P.M. SAYEED): (a) to (e) A statement is laid on the Table of the House.

Statement

(a) and (b) No case has come to the notice of the Government where fruits containing drugs were officially supplied by the jail authorities to the inmates of Central Jail, Tihar, Delhi.

However, on 2.6.95 an inmate of Tihar Jail Ram Singh s/o Punnu Singh was frisked by the Tamil Nadu Special Police staff posted at Tihar Jail after "mulaqat'. The 'Kharbuza' in his possession was found to contain four tiny packets of smack weighing 690 mg. wrapped in a piece of white paper. An FIR No. 321/95 u/s 21/61 of the Narcotic Drugs and psychotropic Substances Act was registered against Ram Singh at police station Harinagar.

In the last few years there have been some stray cases of some members of the jail staff smuggling drugs into the jail and supplying them to the inmates. The most recent case, as reported in the Times of India of 18 July, 1995, relates to the arrest near Harinagar Bus Depot, of one Ram Chander, a jail-warder (under suspension). Shri Ram Chander, during the course of investigation, has disclosed his involvement in sale of heroin to inmates of Tihar Jail with the help of some jail employees. On the modus operandi adopted, he has disclosed that drugs in tiny polythene bags stuffed in the shell of fruits after removing the flesh are smuggled into the jail and sold to the inmates.

(c) to (e) At present, there is no proposal to have the matter probed through the CBI. All cases of smuggling and supply of drugs to Tihar Jail inmates that are detected are duly reported to the police and cases under relevant sections of the Narcotic Drugs and Psychotropic Substances Act are registered.

The steps taken by Tihar Jail authorities to check the menace of drugs are as follows:

(i) Relatives and friends visiting inmates of Tihar Jail, and bringing food and other articles for them, are frisked outside the 'mulaqat room'. Food and other items are allowed only in transparent polythene packs.

(ii) The Tamil Nadu Special Police posted at Tihar Jail conducts a thorough search of the jail inmates and the food and other articles being carried by them inside the jail from the "mulaqat room'. In case of suspicion the jail staff is called upon to conduct further checks.

(iii) Regular checks are conducted on all inmates after their interview and after their return from courts/hospital.

(iv) The Tamil Nadu Special Police posted at Tihar Jail conducts search of each and every individual irrespective of status before his/her entry into the jail. Surprise checks of staff members going inside the jail on duty are also conducted by the duty Officers/Night Duty Officers and the Superintendents/Deputy Superintendents at odd hours.

(v) All guards of Tihar Jail/Tamil Nadu Special Police are made to undergo a general search before the Duty Officers.

SHRI KRISHNA KUMAR BIRLA: Sir, the answer of the Hon'ble Minister is a bit amazing. I have nowhere stated in my question that fruits containing drugs were being officially supplied by the Jail authorities. What I have asked in my question is whether fruits containing drugs are being supplied with the knowledge and connivance of the Jail authorities. This has been admitted by the hon. Minister in the latter part of his reply.

My first question is this. When there have been repeated instances of smuggling of drugs into the Jail and when such malpractices have not been checked in spite of many precautions taken by the Jail authorities what is the objection of the Government to referring the

matter to the CBI? This matter should be referred to the CBI so that a thorough investigation is done into the matter and proper remedial measures are taken.

SHRI P. M. SAYEED: Sir, the hon. Member has brought out the case. Of course, we have given a detailed statement. Drugs are being smuggled into the Jail. I want to give some details of the effective steps taken to check this menace. In a few cases drugs concealed in fruits happened to be caught. In order to check this a number of steps have been taken.

First relatives and friends visiting the inmates of the Tihar Jail and bringing food and other articles for them are frisked outside the "mulaqat room". Food and other items are allowed only in transparent polythene packs.

Secondly the Tamil Nadu Special Police posted at the Tihar Jail conduct a thorough search of the Jail inmates and the food and other articles being carried by them inside the Jail from the "mulaqat room". In case of any suspicion the Jail staff are called upon to conduct further checks. All eatables and other items are placed on a screening table kept nearby the place.

Regular checks are conducted on all inmates after their interview and after their return from courts and hospitals.

The Tamil Nadu Special Police posted at the Tihar Jail conduct search of each and every individual irrespective of status before his/her entry into the Jail. Surprise checks of staff members going inside the Jail on duty are also conducted by the Duty Officers the Night Duty Officers the Superintendents and the Deputy Superintendents at odd hours.

All guards of the Tihar Jail and the Tamil Nadu Special Police are made to undergo a general search before the Duty Officers.

Sir, these steps have been taken and we feel that smuggling of drugs inside the Tihar Jail will be checked. At this moment I would not be in a position to agree with the hon. Member to entrust this matter to the CBI for an inquiry.

SHRI KRISHNA KUMAR BIRLA: I come to the second question. But before doing so may I make a request to the Minister? In spite of so many precautions taken by him this malpractice has not stopped. Will he kindly be consider the question of referring the matter to the CBI?

My second question is this. It is quite possible that what is happening in the Tihar Jail might be happening in other parts of the country also.

Will the Minister consider writing to the various State Governments telling them about these happenings in Tihar Jail and ask them to take necessary effective steps at their end so that such cases of corrupt and clandestine practices are stopped in other Jails?

SHRI P. M. SAYEED: I repeat, Sir, that I will have to disappoint the hon. Member on the question of referring this matter to the CBI.

Secondly, I assure that a letter will go to all the State Governments to take effective measures, particularly in regard to the drug menace getting into the jails.

श्री एस. एस. अहलुवालिया: सभापति महोदय, मैं आपके माध्यम से यह जानना चाहता हूं कि यह अभी ही पता नहीं चला परन्तु इससे पहले चार्ल्स सोभराज ने जब जेल से भागने के लिए षडयंत्र रचा था, उस वक्त भी फलों में नशीली दवाओं का प्रयोग कर के जेल वार्डनों को खिला कर उनको बेहोश कर के वह भाग गया था। उस वक्त एक जांच कमेटी ने इसकी इक्वायरी की थी। उसने जो रिकमेंडेशंस की थी क्या सरकार उन पर गौर फरमा रही है? इन्होंने जो अभी गाइडलाइंस दी है वहां पर रोक लगाने के लिए उसमें यह कहा गया है कि खाना और अन्य वस्तुएं केवल पारदर्शी पोलीथीन थैलों में ही लाने की इजाज़त दी जाती है। परन्तु इसके साथ-साथ यह कहते हैं कि वहां पर कुछ दिन पहले मुलाकात में राम सिंह पुत्र पुन्नु सिंह को खरबूजे में हीरोईन सप्लाई की गई थी। खरबूजा अगर पोलीथीन बैग में लाया भी गया है तो उसको कैसे चेक करेंगे, उसके लिए क्या कोई प्रावधान आपने रखा है कि उसको चेक किया जा सकता है, अगर नहीं रखा है तो इसको रोकने की क्या व्यवस्था है?

श्री जनेश्वर मिश्र:*

SHRI S. S. AHLUWALIA: I object to the remark of Mr. Janeshwar Mishra. He is hurting the sentiments of millions and millions of people of India. I object to his remark.

MR. CHAIRMAN: It would not be a part of the record.

श्री जनेश्वर मिश्र: अगर इनको बुरा लग रहा है तो हम माफी मांगते हैं। लेकिन सरदार के लिए कुछ नहीं कहा है, पगड़ी-साफा तो कई लोग पहनते हैं।

श्री पी. एम. सईद: आदरणीय सदस्य ने जो सवाल पूछा है कि खरबूजे में जो नशीले पदार्थ पाए गए हैं, यह भी जाने-अनजाने जो वहां की व्यवस्था करने वाले हैं, उनको आपने क्रेडिट ही दिया है। क्योंकि उसमें यह पाया जाना और आफिशियल को यह सस्पीशियन आ गया खरबूजे में कोई नशीला पदार्थ घुसाने का तो उसको उन्होंने वहां तोड़ कर देखा तो उसमें यह पाया गया...(व्यवधान)

SHRI G. SWAMINATHAN: Sir, I am not able to understand what the hon. Minister is replying. There is no interpretation. (*interruptions*) Now it is coming.

श्री पी. एम. सईद: इसके इलावा अभी तक जो पाए गये हैं, वह छोटे एक-एक ग्राम, दो-दो ग्राम के नशीले पदार्थ पाए गए हैं और वह भी इसी पोलीथीन पैक में ही पाए गए हैं। इसलिए हमने कहा कि खास कर के इस दृष्टि से हम उसको देखते हैं, किसी भी फल को काट कर भी जैसे खरबूजे के अन्दर पाया गया है। इसलिए यह कहना ठीक नहीं है कि और नशीले पदार्थ अन्दर चले जाएंगे। यह बिलकुल गलत है।

SHRI ASHOK MITRA: Sir, I wonder whether in the present frenzy for liberalisation and globalisation, even the Tihar Jail has been truly globalised. Already all sorts of stories are being heard. There has been recently a report that a hardened international criminal, who must have committed dozens of murders across the world and who is also accused of many other heinous crimes, has been provided facilities to write a laudatory biography of an Inspector-General of Police, who was in charge of this prison till recently. I wonder how these things could and can happen in our country. I would like the Home Minister to make a response.

THE MINISTER OF HOME AFFAIRS (SHRI S.B. CHAVAN): May I request the hon. Member kindly to repeat the question? I have not followed it.

MR. CHAIRMAN: The Question Hour is over.

WRITTEN ANSWERS TO QUESTIONS

Leasing of ships to ONGC by Essar Shipping

*203. SHRI T. VENKATRAM REDDY:

SHRI G. PRATHAPA REDDY:

Will the Minister of PETROLEUM AND NATURAL GAS be pleased to state:

(a) whether the Essar Shipping is leasing out ships to ONGC on cost plus basis;

(b) if so, the difference between the cost plus lease and the current market rates for leasing; and

(c) the terms and conditions under which such cost plus norms were decided and the reasons for accepting such arrangements by ONGC?

THE MINISTER OF STATE OF THE MINISTRY OF PETROLEUM AND NATURAL GAS (CAPT. SATISH SHARMA): (a) to (c) No, Sir. No ship/ vessel has been taken on lease from M/s. Essar Shipping on cost plus basis by ONGC directly. However, in May-June, 1995, Oil Coordination Committee (OCC) have released, on request from ONGCL, from their charter fleet, MT Nand Shivchand of M/s. Essar Shipping, for short term deployment. For such requirements ONGCL reimburses the cost on a back to back basis to OCC.

Protection of the rights of fishermen granted by Indo-Sri Lankan agreement of 1974

*205. SHRI S. MADHAVAN: Will the Minister of EXTERNAL AFFAIRS be pleased to state:

(a) whether Government are aware about the traditional rights of Indian fishermen for fishing, pilgrimage and navigation which they had enjoyed in the past in the histroic waters between India and Sri Lanka, under the Indo-Sri Lankan Agreement of 1974; and

(b) if so, what are the steps taken so far to protect the traditional rights of our fishermen?